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8 **BEFORE THE**  
9 **STATE BOARD OF OPTOMETRY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Petition to Revoke Probation  
Against:

Case No. 2000-152

12 BRETT BYRON CORNELISON

13 524 Putnam Avenue

Porterville, CA 93257

**PETITION TO REVOKE  
PROBATION**

14 Certificate of Registration to Practice Optometry  
15 No. 9861

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Mona Maggio (Complainant) brings this Accusation solely in her official  
21 capacity as the Executive Officer of the State Board of Optometry, Department of Consumer  
22 Affairs.

23 2. On or about March 6, 1992, the State Board of Optometry issued  
24 Certificate of Registration to Practice Optometry Number 9861 to Brett Byron Cornelison  
25 (Respondent). The Certificate of Registration to Practice Optometry was in full force and effect  
26 at all times relevant to the charges brought herein and will expire on November 30, 2008, unless  
27 renewed.

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1                   3.     On or about January 25, 2000, the Board certified Respondent to treat with  
2 Therapeutic Pharmaceutical Agents pursuant to Business and Professions Code section 3041.

3                               **Prior Discipline**

4                   4.     Effective August 9, 2004, pursuant to the Decision and Order in  
5 Accusation No. 2000-152, the Board revoked Respondent's Certificate of Registration to Practice  
6 Optometry No. 9861. However, the revocation was stayed and Respondent's certificate was  
7 placed on probation for a period of four (4) years, with certain terms and conditions. A copy of  
8 the Decision and Order in *In the Matter of the Accusation Against Brett Byron Cornelison*, Case  
9 No. 2000-152, is attached as Exhibit A and is incorporated by reference.

10                               **JURISDICTION**

11                   5.     Grounds exist for revoking the probation and reimposing revocation of  
12 Respondent's Certificate of Registration to Practice Optometry Number 9861. Condition 14 of  
13 the Disciplinary Order, Case No. 2000-152, states, in pertinent part:

14                               **Violation of Probation.**

15                               If Respondent violates probation in any respect, the Board, after giving  
16 Respondent notice and opportunity to be heard, may revoke the probation and  
17 carry out the disciplinary order that was stayed. If, an accusation or petition to  
18 revoke probation is filed against respondent during probation, the Board shall  
19 have continuing jurisdiction until the matter is final, and the probationary period  
20 shall be extended until the matter is final.

19                   6.     Respondent has violated the Disciplinary Order, as set forth in the  
20 following paragraphs.

21                               **FIRST CAUSE TO REVOKE PROBATION**

22                               (Violation of Probation - Failure to Pay Costs)

23                   7.     At all times after the effective date of Respondent's probation,  
24 Condition 13 of the Disciplinary Order, Case No. 2000-152, states, in pertinent part:

25                               **Payment of Costs.**

26                               Respondent is ordered to pay the Board the reasonable costs of  
27 investigation and prosecution of this matter established as \$20,201.75. Within 30  
28 days of the effective date of this decision respondent shall submit to the Board for  
its prior approval a plan of reimbursement to the Board in the form of periodic  
payments

1 On or about October 30, 2006, an agreement was reached creating a payment plan  
2 whereby Respondent was to make an initial payment to the Board of \$1,262.60 and thereafter  
3 make payments in the amount of \$1,262.61 every month on the 30<sup>th</sup> day of the month for 15  
4 months. Payments were to begin on November 30, 2006.

5 8. Respondent's probation is subject to revocation because he failed to  
6 comply with Probation Condition No. 13, referenced above. The facts and circumstances  
7 regarding this violation are that Respondent has failed to make 10 of the 15 agreed upon  
8 payments, made 2 payments late, is in arrears by \$13, 888.70, and has not made any payments  
9 since March 13, 2007, as set forth below.

Payment. #	Payment Due	Amount Due	Amount Paid	Date Paid	Balance
					\$20,201.75
1 (initial)	Nov. 30, 2006	\$1,262.60	\$1,262.61	Dec. 1, 2006	\$18,939.14
2	Dec. 30, 2006	\$1,262.61	\$2,525.22	Jan. 19, 2007	\$18,939.14
3	Jan. 30, 2007	\$1,262.61	-	-	\$16,413.92
4	Feb. 28, 2007	\$1,262.61	\$2,525.22	Mar. 13, 2007	\$13,888.70
5	Mar. 30, 2007	\$1,262.61	-	-	\$13,888.70
6	Apr. 30, 2007	\$1,262.61	-0-	-	-
7	May 30, 2007	\$1,262.61	-0-	-	-
8	June 30, 2007	\$1,262.61	-0-	-	-
9	July 30, 2007	\$1,262.61	-0-	-	-
10	Aug. 30, 2007	\$1,262.61	-0-	-	-
11	Sept. 30, 2007	\$1,262.61	-0-	-	-
12	Oct. 30, 2007	\$1,262.61	-0-	-	-
13	Nov. 30, 2007	\$1,262.61	-0-	-	-
14	Dec. 30, 2007	\$1,262.61	-0-	-	-
15	Jan. 30, 2008	\$1,262.61	-0-	-	-
16	Feb. 28, 2008	\$1,262.61	-0-	-	-

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1 such report dated September 28, 2005 was ever received by the Board. Seven of the eight reports  
2 due to the Board were never submitted.

3 **FOURTH CAUSE TO REVOKE PROBATION**

4 (Violation of Probation - Failure to Submit Quarterly Reports)

5 13. At all times after the effective date of Respondent's probation,  
6 Condition 10 of the Disciplinary Order, Case No. 2000-152, states, in pertinent part:

7 **Compliance with Probation Surveillance Program.**

8 Respondent shall comply with the Board's probation surveillance program  
9 including but not limited to allowing access to the probationer's optometric  
practice(s) and patient records upon request of the Board or its agent.

10 14. Respondent's probation is subject to revocation because he failed to  
11 comply with Probation Condition No. 10, referenced above. The facts and circumstances  
12 regarding this violation are that Respondent has not complied with the Board's probation  
13 surveillance program in that he has failed to submit 15 of the 16 quarterly reports required by that  
14 program. Respondent submitted one quarterly report on or about September 23, 2006, but no  
15 other reports have been received by the Board.

16 **PRAYER**

17 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
18 alleged, and that following the hearing, the State Board of Optometry issue a decision:

19 1. Revoking the probation that was granted by the State Board of Optometry  
20 in Case No. 2000-152, and imposing the disciplinary order that was stayed thereby revoking  
21 Certificate of Registration to Practice Optometry Number 9861, issued to Brett Byron  
22 Cornelison;

23 2. Revoking or suspending Certificate of Registration to Practice Optometry  
24 Number 9861, issued to Brett Byron Cornelison; and,

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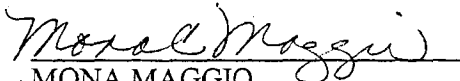
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3. Taking such other and further action as deemed necessary and proper.

DATED: August 5, 2008

  
MONA MAGGIO  
Executive Officer  
State Board of Optometry  
Department of Consumer Affairs  
State of California  
Complainant

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